

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

ROCKY LEE DEWALT,)	
)	
Plaintiff,)	
)	
v.)	1:09CV493
)	
UNIDENTIFIED OFFICER,)	
)	
Defendant(s).)	

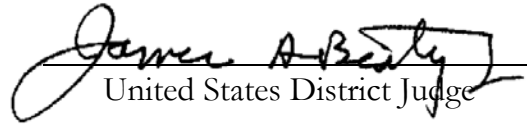
O-R-D-E-R

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on July 17, 2009, was served on the parties in this action. Plaintiff objected to the Recommendation.

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's recommendation.

IT IS THEREFORE ORDERED that this action be filed and dismissed without prejudice to Plaintiff filing a new complaint, on the proper § 1983 forms, in the correct

district. A Judgment dismissing this action will be entered contemporaneously with this Order.


United States District Judge

Date: September 14, 2009